IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 1334 OF 2006

Jawaharlal B. Chhajed... .... Petitioner.
Versus
State of Maharashtra & Anr.. ... Respondents.

Mr. Sudesh More i/by Mr. Naveen Chomal
for the Petitioner.
Mrs. M. H. Mhatre, APP for the State.

CORAM : D. B. BHOSALE, J.

DATED : 10TH JULY, 2006.

P.C.:

Heard learned counsel for the petitioner and the learned APP for the State.

2. By this writ petition, the petitioner has made the following prayer:

> "The proceedings of the Criminal Case being C. C. No.1123/S/2002 U/s. 138 of the Negotiable Instruments Act, 1881, on the file of Hon. 12th M. M., Bandra, Mumbai, may kindly be quashed."

3. The petitioner has approached this court directly

without exhausting an efficacious remedy of revision available under section 397 of the Code of Criminal Procedure before the Sessions Court against the impugned order. This Court in **V. K. Jain & Ors. v/s Pratap V. Padode & Anr.,** *2005(3) Mh.L.J. 778*, while dealing with similar petition considered several judgments of the Apex Court and has held that the order "issue process" is not an interlocutory order and hence the revision against such order is maintainable. In the circumstances, this petition is disposed of with liberty to the petitioner to file revision before the appropriate Court against the order impugned in the instant petition within two weeks from today. If such revision is filed, same may be considered in accordance with law.

Sd/-

(D. B. BHOSALE, J.)